

## TOWN OF NEW WINDSOR

## PLANNING BOARD

October 12, 2011

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN  
DANIEL GALLAGHER  
HARRY FERGUSON  
HOWARD BROWN

ALSO PRESENT: DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER  
BUILDING INSPECTOR

NICOLE PELESHUCK  
PLANNING BOARD SECRETARY

## AGENDA

1. Windsor Heights MHP
2. Walters MHP
3. TZSS Realty SP
4. Britany Terrace SP
5. Town of New Windsor/U.S. Army Reserve

## REGULAR MEETING

MR. ARGENIO: I'm going to call the October 12 regular meeting of the Town in New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

WINDSOR HEIGHTS MOBILE HOME PARK

MR. ARGENIO: First item on tonight's agenda is Windsor Heights Mobile Home Park. Somebody here to represent this? No? We'll come back to that.

WALTERS MOBILE HOME PARK

MR. ARGENIO: Next is Walters Mobile Home Park. Come on up, give the stenographer your name.

MR. DANTAS: Alan Dantas.

MR. ARGENIO: Jen, has anybody been out there from your office?

MS. GALLAGHER: Yes.

MR. ARGENIO: What do you have to say about that?

MS. GALLAGHER: We have no issues at all with Mr. Dantas' park.

MR. ARGENIO: Building inspector says everything is in order at this mobile home park. As such, if anybody sees fit, I'll accept a motion that we give them one year extension.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Do you have a check made out for \$515?

MR. DANTAS: Sure do.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. DANTAS: Thank you, see you next year.

MR. ARGENIO: Thank you for coming in.

REGULAR ITEMS:

TZSS REALITY SITE PLAN - NYS ROUTE 300 (11-11)

MR. ARGENIO: First item on tonight's agenda we have TZSS Realty site plan on New York State Route 300 proposed used car sales. For the benefit of the members, this is the old Mobil Station next to Moroney's, just south of Moroney's, is that right, Mark? If my memory serves me, there was a zoning issue and I think it had to do with parking, is that right?

MR. DRABICK: No, had to do with insufficient lot area for this particular use and also rear setback to the existing building and as a result of that also the building height so those were the three variances that we went for and we were granted.

MR. ARGENIO: So it was three variances?

MR. DRABICK: It was three.

MR. ARGENIO: Rear setback, height?

MR. DRABICK: And lot area.

MR. ARGENIO: And are you changing the building at all?

MR. DRABICK: No, no, building's going to be used as is footprint wise, there's no planned additions to it.

MR. ARGENIO: And you're using the existing curb cuts?

MR. DRABICK: Correct, we're going to use one of the two existing curb cuts. The curb cut farthest from the intersection is the entrance that's going to be left open, the other curb cut will remain barricaded and will actually have display cars parked across that.

MR. VAN LEEUWEN: Which is that, the one on the right hand on the map?

MR. DRABICK: On the left-hand side. It would be the entrance closest to the intersection there and other than that, there's no planned addition to our expansion of what's already there on site.

MR. ARGENIO: So you did receive the variances?

MR. DRABICK: That's correct.

MR. ARGENIO: Go ahead.

MR. VAN LEEUWEN: What are you going to do with the grass area to the left?

MR. DRABICK: This will remain just a grass area, it will be no cars parked on it, just be remained open space.

MR. VAN LEEUWEN: Cause you're leasing that too, right?

MR. DRABICK: Yeah, the lease covers the entire property.

MR. ARGENIO: So you're parking is on pavement that exists today?

MR. DRABICK: Correct.

MR. ARGENIO: No additional paving, correct?

MR. DRABICK: Correct.

MR. ARGENIO: And your cars are going to be parked on that pavement?

MR. DRABICK: That's correct.

MR. ARGENIO: And you're using the building as it is, yes?

MR. DRABICK: Yes.

MR. ARGENIO: And you're going to need to do some striping it seems, yes?

MR. DRABICK: Yes, delineate parking.

MR. ARGENIO: All right.

MR. DRABICK: And on the plan we do show the proposed location for display cars and we're limiting it to a maximum of 24.

MR. ARGENIO: While the other members look at the plan and consider it, I'm going to go down the road of some housekeeping items here. There are no other involved agencies in this application, as such, the planning board can consider taking a position of lead agency

under the SEQRA process. If anybody sees fit, I'll accept a motion to that effect.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded that we grant lead agency under SEQRA.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Any big things there?

MR. ARGENIO: No, I'm going to get into a couple of things that we need to consider here. If anybody sees fit, I'll accept a motion for a negative dec if anybody sees fit.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

MR. ARGENIO: Motion made and seconded we declare a negative dec under the SEQRA process for TZSS Used Car Sales site plan on Union Avenue.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We need to go over a couple of things. You have a dumpster enclosure in the back I see.

MR. DRABICK: Yes, that was existing on site.

MR. ARGENIO: Does it currently have a chain link fence around it?

MR. DRABICK: Yes, it does.

MR. ARGENIO: Does that have slats to hide the eyesore?

MR. DRABICK: Yes, it's slotted.

MR. VAN LEEUWEN: Will you fix it up a little bit?

MR. DRABICK: Yes, yeah.

MR. VAN LEEUWEN: Cause it hasn't had good care.

MR. DRABICK: Yeah, site's been actually abandoned for long enough and there's the site itself needs general maintenance, there's a lot of grass up through the pavement that needs to be taken care of, clean up, there are existing landscaped areas in the front, they need weeding and cleaned up, we're looking to take care of that.

MR. VAN LEEUWEN: Nothing has been there for six or seven years.

MR. ARGENIO: It's an eyesore.

MR. VAN LEEUWEN: Are the tanks still in the ground?

MR. DRABICK: No, the tanks have been removed.

MR. VAN LEEUWEN: Because I see lids for access cover.

MR. DRABICK: They left the apron and the covers are there from my understanding, I do have a letter in the file from the DEC saying that there's no further action.

MR. ARGENIO: Is that something that you would need as part of this application to keep on file is the certification for the site, probably wouldn't be a bad idea to have that.

MS. GALLAGHER: We should already have something from when the tanks were removed, the fire inspector's office will have that on file.

MR. ARGENIO: Cause I asked him to send a copy of the DEC letter to you.

MR. DRABICK: I do have a copy from the DEC.

MS. GALLAGHER: That's fine.

MR. ARGENIO: Let me go down this road a little bit and we'll talk about the public hearing. Relative to county, everybody's aware this is certainly within 500 feet off a state highway. I want to read this comment which is a little, what word am I looking for, uninformed possibly insomuch as the author may not have intimate knowledge of the site but I'd like to read it into the record. Orange County Department of Planning, this department recommends exploring the option of making the egress of the site right turn only making a left turn from the site onto 300 involves crossing three lanes of traffic on a high volume road which is a potential safety hazard. Well, let me just speak to that a little bit and this is my opinion, Mark, from my memory, that's not three lanes of traffic, that's two with a turning lane, is that correct?

MR. EDSALL: I believe at that point it's still two, it's just breaking into the three actually cause the turn lanes are just being created for the double left and the right.

MR. ARGENIO: And the second comment I would make is that possibly the author didn't look real close at the plan because the southerly most driveway is going to be extinguished, it's not going to be used leaving only the northerly most driveway. So I don't see unless the engineer has something else to offer how it's possible to accommodate that comment.

MR. EDSALL: Well, the difficulty is that it's a state highway turning movements onto state highways both ingress egress are controlled by DOT.

MR. ARGENIO: And they currently have two curb cuts and now they're going down to one.

MR. EDSALL: The one is blocked off and they volunteered because it just makes sense to keep that one closed off which is the left or southerly curb cut, the right curb cut to the north has no movement restrictions on it now they're proposing no changes to the curb cut which would mandate a permit from DOT. It's been that way for years, DOT hasn't imposed restrictions, it's probably something that's worth the county passing on if it was new application but I would hope that if it was a new application we'd try to find someplace else to come out even further to the north, we have no jurisdiction.



MR. ARGENIO: It's not a deli or a Burger King.

MR. EDSALL: It's not a high volume.

MR. ARGENIO: It's not a high volume site, high volume use.

MR. EDSALL: It's not high volume and it would have, would be DOT that imposes that restriction.

MR. ARGENIO: Anybody else disagree with this, Danny or Harry or Howard or Henry? You guys agree with me?

MR. VAN LEEUWEN: It's perfect for the use.

MR. ARGENIO: The second thing I'd like to just bring up and again we should consider this is the need or not for a public hearing. There's obviously no neighbor to the west which would be the Thruway, there is no neighbor to the south which would be 207 and to the north I guess what's there, Mark, to the north is that Moroney's field there or--

MR. EDSALL: Yeah, that's that space and then you have Moroney's.

MR. DRABICK: It's a vacant lot, it's owned by Inhalation Therapy, that's the name on the deed, it's the same people that have the AGL.

MR. ARGENIO: I don't know that we should get frothed up about it unless somebody else disagrees for me.

MR. BROWN: I don't see a need.

MR. FERGUSON: I don't think so.

MR. VAN LEEUWEN: I'm satisfied just the way it is.

MR. ARGENIO: I'll accept a motion we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN

AYE

MR. FERGUSON            AYE  
MR. GALLAGHER          AYE  
MR. VAN LEEUWEN        AYE  
MR. ARGENIO            AYE

MR. ARGENIO:    Good, good.

MR. VAN LEEUWEN:   Perfect use for that piece.

MR. ARGENIO:    You have some minor corrections on the plan contained in Mark's item number six, you will be obligated to submit a bond estimate for the key site improvements. Mark, am I missing anything? Dominic, any other thoughts?

MR. CORDISCO:   No, sir, we have already taken liberty of drafting a written approval resolution so it will be sent to Nicole.

MR. BROWN:      Just a couple quick questions. Is there going to be any maintenance performed on any of the cars that are going to be sold?

MR. DRABICK:    No, no, the only thing that will take place in the cars will be the detailing, that's all there will be, no mechanical repair or anything like that, no inspection, service, just detail.

MR. VAN LEEUWEN:   Do you have another place where you do that?

MR. DRABICK:    Yes.

MR. EDSALL:      Perhaps also to cut down on the volume of traffic one item Steve and I discussed at the workshop is that the detailing work would only be for cars that are sold by this establishment, it wouldn't be used as a retail detailing agency.

MR. DRABICK:    That's correct.

MR. ARGENIO:    That's an important component.

MR. EDSALL:      That would cut down on the volume, Mr. Chairman.

MR. GALLAGHER:   As far as the sign, just a sign on the building itself, nothing towards the road?

MR. DRABICK:    Yeah, show a proposed freestanding sign

up towards the corner of the intersection there.

MR. ARGENIO: And that sign would obviously have to meet Town Code, yes?

MR. DRABICK: That's correct. Actually, both signs that I have shown on the plan do meet the required sign area.

MR. ARGENIO: Here's what I want to say, Jennifer, hear me on this. In spite of what you have indicated for a sign size, it needs to meet the code. So I don't want to go down the road that the planning board gave you approval and it says 50 by 100 sign is allowed and implicit in that is that you can put up a 50 by 100 sign, you need to put up a sign that meets the code of the Town of New Windsor.

MR. DRABICK: Correct.

MR. ARGENIO: Danny, it's on the south side of the property, it is his property so as long as he's okay with the owner of the property, I don't think we have an issue with it unless somebody here knows something I don't. Jen, any other incites on that?

MS. GALLAGHER: No.

MR. GALLAGHER: Just be careful how close you put it to the corner because I know trucks take that corner.

MR. VAN LEEUWEN: Yes, they do, they ride over the grass 50 footers they do.

MR. ARGENIO: Anybody have anything else?

MR. VAN LEEUWEN: No, nothing else.

MR. ARGENIO: Accept a motion for final subject to Mark's comments.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion made and seconded we offer final approval for the TZSS site plan on Union Avenue subject to Mark's comments on his sheet which you do have a copy?

MR. DRABICK: Yes, I do.

MR. ARGENIO: Roll call

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

WINDSOR HEIGHTS MOBILE HOME PARK

MR. ARGENIO: Back to Windsor Heights Mobile Home Park. Sir, can I have your name for the benefit of the stenographer?

MR. SASSER: It's Joel, J-O-E-L Sasser, S-A-S-S-E-R.

MR. ARGENIO: Jen, somebody from your office been out there?

MS. GALLAGHER: It's in good shape. How many units are there?

MR. SASSER: I think it's 37.

MRS. PELESHUCK: It's 25.

MR. ARGENIO: Where is that?

MR. SASSER: Off Riley Road.

MR. ARGENIO: Do you have a check made out to the benefit the Town for \$250?

MR. SASSER: I do.

MR. ARGENIO: Accept a motion for one year extension.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Roll call

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for keeping a nice place. Thank you for coming in and we'll see you in a year.

MRS. PELESHUCK: I'll send you a letter.

MR. SASSER: Thank you.

BRITTANY TERRACE SITE PLAN AMENDMENT (01-53)

MR. ARGENIO: Next is Brittany Terrace site plan amendment. I believe this is Mr. Torro. Application is for site plan amendment approval for the mobile home park, expand additional 170 units. Application was previously reviewed at the 12 September, 2001 and 12 June, 2002 planning board meetings. Mark, we have not seen them since then?

MR. EDSALL: They were here in January to the best of my knowledge was the last visit.

MS. GALLAGHER: They were here for the mobile home park renewal.

MR. EDSALL: Which would be separate.

MR. CORDISCO: They were here with Mike Donnelly at the time.

MR. ARGENIO: We have had a lengthy discussion about the sewage treatment plan, did we not?

MR. VAN LEEUWEN:

MR. CORDISCO: And SEQRA status of it.

MRS. PELESHUCK: Maybe discussion, not a regular item.

MR. EDSALL: I don't have any comments, I just have whatever dates we found that were discussion items.

MR. ARGENIO: Okay, Larry, give here your full name.

MR. TORRO: Larry Torro.

MR. ARGENIO: What I'd like to do is, Larry, tell us where you're at, what you guys want to do here and then I want Mark and Dominic to speak a bit and then I'd like to have Mark and Dominic speak to this a little bit because this is a very unique application and there's some timing issues and there's other agencies, et cetera ad nauseam. Please go ahead.

MR. TORRO: Okay, couple items first off you mentioned the sewage treatment facility we have received DEC approval of the replacement system, I believe you have that in hand.

MR. ARGENIO: You're telling me that or asking me?

MR. TORRO: Do you have it in hand? If not--

MR. ARGENIO: Send it that way again just so we're clear.

MRS. PELESHUCK: Can I have one for the file?

MR. ARGENIO: You certainly can have one for the file.

MR. TORRO: I'll get you one.

MR. ARGENIO: So what you're saying is you have approval?

MR. TORRO: We have approval.

MR. ARGENIO: For the sewage treatment plant?

MR. TORRO: All the equipment is on site and yesterday was the initial startup to get new system going so once the new system is up and running and tested and working then we can work on the bank, we have sand fill that's been there and it's an extended aeration reviewed by the DEC, same outfall to the stream and still for the same 10,000 gallons a day under the existing SPDES permit. As far as the development of the site the balance of the site it's been broken up into three phases.

MR. ARGENIO: Larry, what do you have here? I have a plan that says phase one and another plan that doesn't say anything.

MR. TORRO: This is the overall concept plan which I have up on the board so if you want to just work with that initially.

MR. ARGENIO: All right.

MR. TORRO: What that shows is the three phases ultimately of the project, phase one northerly side here consisting of ten units basically built off an existing road pattern in that area and again you'll be able to see it better on the larger plans for phase one only. And phase two in the center portion of the site consists of 38 homes and then phase three to the south of 48 homes. Presently, phase one will feed into the

existing treatment facility, new facility and can accommodate all of phase one. As we get into phases two and three prior to any type of construction for those we need to go back to the DEC and get the SPDES permit expanded upon basically doubled so at some point to go to phases two and three we have to go back and get a SPDES permit expanded upon basically double 20,000 gallons a day in a facility that was put in, was picked, and it's in a situation where we basically mirror for another 10,000 gallons.

MR. ARGENIO: So the plant, the treatment facility that's there now is sufficient to treat all the effluent from the existing units and phase one?

MR. TORRO: Correct.

MR. ARGENIO: Mark, are you keyed into any of that at all prior to tonight?

MR. EDSALL: We were just speaking of the phasing, I'm sorry, I didn't hear the question.

MR. ARGENIO: The question was the plant that they build is capable of treating the effluent from the existing units plus all of phase one from what Mr. Torro says.

MR. CORDISCO: Which I believe is an additional ten units, is that correct?

MR. TORRO: Correct.

MR. CORDISCO: Beyond what's already there now.

MR. ARGENIO: My question was are you aware of that, have you reviewed any of that?

MR. EDSALL: One of the discussions we were just having is that we would have preferred if Mr. Rudolph had acknowledged the number of units that he's accepting.

MR. ARGENIO: Who's Mr. Rudolph?

MR. EDSALL: Tom Rudolph from DEC who issued the letter dated September 27, it would have been beneficial that we confirm the maximum number of units he's acknowledging are permitted.

MR. ARGENIO: I believe that to be a critical component



of this whole discussion.

MR. EDSALL: As long as it's the current units plus ten then it just acknowledges the phasing as the board is considering it.

MR. TORRO: And our engineer's report that Tom reviewed and part of his approval references those ten units.

MR. EDSALL: I don't recall the numbers in the report so I have to follow up.

MR. TORRO: So that's the breakdown of the three units. One of the issues was the SWPPP, Mark's office had reviewed and approved the SWPPP and the SWPPP will obviously be the overall site not just Phase I.

MR. ARGENIO: Is that right?

MR. EDSALL: Yes.

MR. ARGENIO: You have reviewed the SWPPP for the overall site and you guys are good with it?

MR. EDSALL: Correct.

MR. ARGENIO: John Z. looked at that?

MR. EDSALL: He certainly did.

MR. ARGENIO: That's fantastic.

MR. TORRO: Loose item as far as the fire inspectors we met with Mr. Lucase, he reviewed the plan as well, there were two minor items, one was the cul-de-sac without a planting item and two some signs about no on-street parking permitted.

MR. VAN LEEUWEN: When is the new system going to be up and running?

MR. TORRO: It's, as of yesterday, we have started feeding effluent into it to get it started.

MR. VAN LEEUWEN: That's not what I want to know. I want know when it's going to be completed and running?

MR. TORRO: It's completed and running as we speak.

MR. VAN LEEUWEN:

MR. ARGENIO: What I'd like to do is I want to back up just a little bit and I see people in the audience, I see some of my neighbors in the audience and I live out that way, Neil lives out that way, just so everybody's keyed into where we're at and that's why we're here for the people of the Town of New Windsor and these are the folks that live in and around this, around this facility, Mark, briefly, would you please you or Dominic I don't care which endeavor to briefly just kind of give a quick history as to why we're here talking about this quantity of units in this facility at this location at this time. I know it's kind of a broad stroke question but if you can pare that down a little bit I would appreciate it.

MR. EDSALL: I'll take a stab at it. I don't have the entire old file from the beginning of this whole process but in a thumbnail manner.

MR. ARGENIO: Good word, thumbnail.

MR. EDSALL: The site was approved by the town years ago for an expansion and the expansion, the number of units was quite a bit more than the additional 170.

MR. CORDISCO: It's 275.

MR. EDSALL: Well, 275 is what Dom says.

MR. ARGENIO: They were allowed to have per the original approval 275 more units than what they have today?

MR. EDSALL: Correct. The difficulty came in that as the applicant was seeking to move forward regulatory changes came about, such as storm water, they had a sewer system to deal with and low and behold no one seems to have a copy of the approved plan that would show how the 275 units would be constructed, even if they were approved they would still have to be put in in accordance with the current standards. Similar situation to what happened on many other subdivisions in the town that had old approvals when the new storm water regulations came in they had to modify to meet those requirements. The reality is once they met those requirements, it's been pared back down to 170 units and we have asked the applicant notwithstanding their existing approval and the town attorney has by memo to the planning board, former attorney Phil Crotty

confirmed they do in fact have a record approval with the town. They had to come back to the plan this board said give us a record plan and show us how you can fit the units, in 2011, actually 2010 when you talked to them, show us how you're going to meet current storm water regulations, the road access requirements, water, sewer. It's been back to 170 units, they want to phase it, we've said you have to phase it so that all the elements are in synchronization, storm water, water, sewer and that's where they're at, and access.

MR. ARGENIO: So and correct me if I'm wrong, when we did speak to these folks I'm going to say a couple years ago, 18 months ago, one of the critical components that we talked about and again I'm going from memory the same as you are, was the disposal of the sewer sewage?

MR. EDSALL: Key item.

MR. ARGENIO: Because of the odor and mainly because of the odor?

MR. EDSALL: Yes.

MR. ARGENIO: And what he greed to at that time was that prior to constructing these additional units, I don't care what phase you call it, one, two or three they would have this sanitary treatment plant up and running and it seems as though they have done that, seems to me.

MR. EDSALL: It's where they're headed. I'm going to lateral to Dominic on the SEQRA issue and the record plan or if it's a reapproval, however formally we should handle it because I don't want to jump into that.

MR. CORDISCO: Well, that's correct, Mark's summation is accurate. Just to add additional color to it this is actually when we take a step back, we have to take quite a few steps back all the way to 1968 because that's when the original special permit for this project was granted. And even at that time it was a phased approval and the phasing being tied to the sewage capacity at the plant. So the first phase or first number of units have been built we're still calling it phase one as far as the additional units that they're looking for. But the simple fact is is that the plan was lost, the actual site plan document

was lost but the minutes are there, they confirm that this board in 1968 granted approval to this project for 275 units and it predates SEQRA but it doesn't mean that it's grandfathered from other regulatory requirements, such as storm water. So for storm water requirements, they have to meet the current requirements and that's why the number of units has dropped down from I believe it was 275 or thereabouts to 170 units.

MR. ARGENIO: You were going to say something?

MR. EDSALL: No.

MR. ARGENIO: I'm going to do something that I never do ever but I'm going to do it tonight and maybe it's against my better judgment. And the reason I'm doing it is because the runoff from this facility goes across the street and the folks across the street on several hundred acres, Kenny and Steve are here, do you guys understand what Dominic and Mark just outlined? And do you have any questions on what they just said? I'm speaking to Ken Babcock, stand up Kenny.

MR. BABCOCK: I mean, our big concern is that there's an odor, what if there's still an odor after this new system? How do you we know this new system is going to solve the problem?

MR. ARGENIO: Any other questions?

MR. BABCOCK: That's my main concern.

MR. ARGENIO: Neil, you're there too.

MR. SCHLESINGER: I think there's an issue.

MR. ARGENIO: You can stand up if you want.

MR. SCHLESINGER: I think there's an issue regarding public hearing, I appreciate your paying attention to the people sitting in the audience but yet I think that there should be a formal discussion from the public, not only us, maybe there's other people and I don't know how the board feels about that.

MR. ARGENIO: Okay.

MR. CORDISCO: If I may?

MR. ARGENIO: Neil, anything else?

MR. SCHLESINGER: No, I mean, listen, the sanitary thing is a major issue but I think that there are other things that should be discussed and I think, I think that the board should or the public should be given the opportunity to speak to the board.

MR. ARGENIO: Thank you. Dominic, go ahead.

MR. CORDISCO: Yeah, the last time that actually they were here this discussion was focused on whether or not there should be another public hearing. And I believe that the board indicated that there would be another public hearing, regardless of what word we attach to this, whether or not this is confirmation of a prior plan or actually I think it's more accurate to say it's a reapproval of a plan in the sense that they have the legal right, it's been confirmed in writing by the prior town attorney based on his review of the file that the approval was actually granted. So basically they're trying to reconstruct the prior approval so they're back before this board for what I will, what I think is a reapproval of a prior plan, a plan that's been lost and a lot of time has gone by since 1968 and certainly the neighbors should have an opportunity to be heard in connection with any concerns that this board should take or may be inclined to take.

MR. ARGENIO: Are you going to make a comment?

MR. VAN LEEUWEN: Yes, I don't think the town has ever approved this, I'll tell you what happened. They took the town to court and Supreme Court in Goshen gave them the approval for 270 units because as long as I've been on this committee, okay, or on this board that's been a long time, okay, on and off this, we have never seen this, we only dealt with 55 units. I was amazed more units were approved without that smell being taken care of because that's bad.

MR. CORDISCO: If I may, Mr. VanLeeuwen, you're correct in the sense that there was a court case in connection with this board actually not processing the application, the Supreme Court in Orange County directed the board to process the application but ultimately this board did grant the approval and that was over a number of years of litigation. You're correct in that there was litigation over this file.

MR. ARGENIO: At end of the day we need to, Henry, I'm sure you're correct in what you're saying.

MR. VAN LEEUWEN: I don't remember ever seeing it.

MR. ARGENIO: But at the end of the day, we certainly have to, we'd be foolish to not act on the advice of counsel, that's what they're paid for. Ma'am, please stand up and give us your name.

MS. KEAN: My name is April Kean and I'm here actually representing Brittany Terrace and I would respectfully ask the board and the members of the community to really just take a minute to really think, you know, about the long struggle. And I do apologize for the odor, we have been, recently it's been an ongoing problem, I do agree with that. And we have been really, I have been really battling to rectify that and have you take a minute to look what's on site now. We did on Tuesday flip the switch to the new aeration system to totally take away the odor, you know, I live on Beach Acres, I do occasionally catch a whiff, I do one hundred percent wholeheartedly agree with you that that has been an ongoing problem. And we can eliminate it if given the chance. The only holdup right now is the J number through Central Hudson. It would be one hundred percent on line right now but we're running on generator, commercial generator, we were pushed back because of the hurricane. Our sewer system treatment plant is not the priority right now so it will be a couple more weeks until Central Hudson is dealing with their more pressing issues. And I think really our community speaks for itself. I think the neighbors if you see our new model home that's our new way of construction, I did bring a picture, this is a full picture of our state of the art model home and I, please, I'm inviting any of you to come and take a look, this is what our homes look like in today's world.

MR. ARGENIO: Mrs. Kean, please address the board, this is not a public hearing.

MS. KEAN: You did let people here, the neighbors and you're asking, who are asking for a public hearing, I'm, you know, addressing them also.

MR. ARGENIO: Thank you. I also am a neighbor.

MS. KEAN: I know and I'm addressing you.

MR. ARGENIO: And I have to tell you that please don't talk over me, please don't talk over me.

MS. KEAN: I apologize.

MR. ARGENIO: I'm a neighbor of Brittany Terrace and I have to tell you it's not a bad place to live there, let me finish, Mrs. Kean, it's not a bad place to live near, I have to tell you the odor is an issue, I'm hoping that this new system is going to remedy that but I have to tell you if you have to live near a manufactured home community, Brittany Terrace is not a bad place to live near. I live out there, everybody is focused on the odor, I'd love to be able to get passed that. Let me probe that for a minute, two things I'd like to probe and fellow members please follow me on this cause I'm going somewhere with it. Mark, relative to the sanitary disposal system this is a DOH issue, I would think, at what point in time DOH, does your office review, it if at all? I think I know the answer but I'm asking the question anyway.

MR. EDSALL: The answer is that we do not review the operation of the plan, it's under the jurisdiction of the Department of Environmental Conservation but if the town has any concerns, planning board or town we normally act as the conduit for communicating with DEC engineers to inquire as to status, operational problems, whatever.

MR. ARGENIO: Understood. I want to probe two other things, Dominic, and I'm going to give this to the members, I'm going to stay out of this because I'm a neighbor over there. Dominic, relative to having a public hearing on this, what are your thoughts on that, I mean, we never had a plan I don't think until this evening at least this is the first one I recall seeing. What are the legalities and the nuances and the precedents that you're aware of that are out there of having the public hearing or not on a facility such as this?

MR. CORDISCO: They're asking for essentially a new site plan approval in connection with this plan. Whether we're confirming the prior approval or reapproving it it's at the end of the day at some day in the future, they're asking this board to approve this plan so they can go off and get building permits for additional units. When they're asking for that

approval the board following the town zoning law has the authority to require a public hearing. When we talk about SEQRA and let's set that aside for the moment, when you're granting and considering site plan approval, there's one overriding concept that governs your review of a plan and that is whether or not the plan poses any risk to the public health, safety or welfare. And that's really the purpose of having the public hearing so that you can hear from people that may be directly impacted by a plan and you always have the discretion to evaluate public health, safety and welfare issues in connection with a plan. Given the fact that there may have been a prior public hearing on this case but it happened I believe in 1968.

MR. ARGENIO: A while ago.

MR. CORDISCO: It's been quite some time, you know, and there's a lot of years and I understand and I for one appreciate that it appears that they are making a significant investment in the sewage treatment plant, of course with it switched on on Tuesday there's not really a lot of running time to determine whether or not it addresses the neighbors' concerns.

MR. ARGENIO: Okay, so it would be lawful and it would not be inappropriate to have a public hearing on this plan?

MR. CORDISCO: Correct.

MR. VAN LEEUWEN: It's for their protection as well as ours.

MR. EDSALL: And I think from a timing standpoint many times one of the considerations you have is what impact does requiring a public hearing have on the processing of the application? Larry, correct me if I'm wrong, you still need to get some type of approval from the health department?

MR. TORRO: Correct.

MR. EDSALL: And has that application gone in yet?

MR. TORRO: No, just waiting before we had the initial appearance before the board.

MR. EDSALL: They have an application to make to the health department.



MR. CORDISCO: Not only that, they also have to apply to the DEC for phases two and three for waste water assuming that it's accurate that the improvements that you're making to the sewage treatment plant now will get you ten additional units, you know, that still doesn't address the additional.

MS. KEAN: That holds us up on building permits.

MR. EDSALL: The bottom line that I was leaning towards even if they asked for phased approval and looking for phase one now they still need something from the health department so I don't believe your requiring a public hearing will significantly impact the processing of the application because we need to hear back from the health department anyway.

MR. ARGENIO: Before we can take any action.

MR. EDSALL: Correct.

MR. ARGENIO: The Babcock farm is in an AG district, have we heard from county, does anybody know where we're at with county?

MR. VAN LEEUWEN: This hasn't been to county yet.

MR. CORDISCO: Planning Department.

MR. ARGENIO: Yeah, doesn't the proximity to an agricultural district trip that?

MR. CORDISCO: It does but this is the first time that this board is seeing an actual plan so I don't believe that this board has actually referred it to the county.

MR. EDSALL: It's not yet been referred.

MR. ARGENIO: Well, I think and I'll ask Mr. Torro this question, I mean, this is what you're looking for here, you're not talking about any substantial changes or digressing from this plan to any substantive nature, is that a correct assumption?

MR. TORRO: That's correct.

MR. ARGENIO: Mrs. Kean?

MS. KEAN: That's correct.

MR. ARGENIO: It would seem to me.

MR. VAN LEEUWEN: They're looking for with this approval here they're looking for ten units in phase one?

MS. KEAN: Phase one.

MR. VAN LEEUWEN: The rest they're not concerned about but it's still got to go to county, you still have to have a public hearing because if we don't have a public hearing, somebody can come in here and raise holy mackerel and say hey.

MR. ARGENIO: Let's not get ahead of ourselves, not saying I disagree, let's go a step at a time, yes, Mark, I agree and I understand that and I want to make sure the applicant understands that this board cannot act until we hear from the health department that's off in the future, how long? You would know better than me.

MR. TORRO: We'll do it as soon as possible 30, 45 days.

MR. ARGENIO: Something like that. Typically, the county is fairly responsive, I don't see any reason why we can't refer this now.

MR. EDSALL: We'll send the entire application out so all three phases and they've got 30 days to comment.

MR. ARGENIO: I agree.

MR. EDSALL: I'll take care of that.

MR. ARGENIO: Now, Henry, I'm going to save you for last but I'm going to go to my right and I'm going to say to Mr. Ferguson and Mr. Brown what are your thoughts on the public hearing on this application?

MR. BROWN: Definitely think so.

MR. FERGUSON: Yes.

MR. GALLAGHER: Yes, absolutely.

MR. VAN LEEUWEN: I don't have to ask you because I know how you feel. I agree, I wanted to save my

commentary but I think it makes sense and I think it makes sense because the Babcock folks are the beneficiary of this downstream and I think what's going to come up as the odor issue and counsel and Mr. Engineer, I want you to think about this for next time we do this dance, Mrs. Kean I have every reason to believe that you guys have this effluent issue taken care of and the odor issue taken care of. While I have never met you, I certainly have met your dad on numerous occasions and he's an absolute gentleman and I'm sure you conduct yourself the same way your dad did, I'm hoping that this plant is going to take care of odor issue. Mark, what I'm looking for is a trip in case it doesn't, think out of the box a little bit.

MS. KEAN: Excuse me.

MR. ARGENIO: Just think about that Mrs. Kean.

MS. KEAN: I just wasn't quite understanding a plan.

MR. EDSALL: I didn't say anything.

MR. ARGENIO: What part, where did I lose you?

MS. KEAN: I'm sorry?

MR. ARGENIO: That's what I'm thinking, you follow me?

MR. EDSALL: I will follow up with Larry to make sure that I get a better understanding of the operational status.

MR. ARGENIO: I want to make sure we're talking about phase one, phase two, phase three, if this thing does not do what it's supposed to do and as I said in the meeting minutes at the prior meeting Mrs. Babcock calls my house or used to call my house every time we get a heavy rain and it smells and it does smell, it does smell but there's no technology out there, I'm hoping you guys got a grip on this.

MR. VAN LEEUWEN: Do anything with phase two or phase three unless this is upgraded, unless the sewer plant is upgraded, you can't approve this and this and county will tell us that okay, unless this is further upgraded.

MR. ARGENIO: Mark?

MR. EDSALL: Exactly, and that's exactly why in the work sessions when we spoke with the applicant and their engineer we said you have to give us a very clear understanding of the phasing cause you may be able to have phase one approval but without other improvements phase two can't move. So that's how we set it up,

MR. ARGENIO: Mr. Torro, so going from phase two and three that number goes from 10,000 gallons to 20?

MR. TORRO: Correct, I mean, ultimately, that's what the second set of plans are for to get at some point the approval of the overall concept for the whole site but then Mark had suggested then as far as phase one because that's the only thing that can be approved at this point because of the treatment that we submit a separate set of plans.

MR. ARGENIO: Just for the record too and I want to mention it because the thought just occurred to me Henry and for the benefit of the audience members we did talk about a plant prior to this and I think Greg Shaw was the engineer, is that correct or incorrect?

MR. EDSALL: He was the former engineer.

MR. ARGENIO: And I think again if my memory serves me they had a bunch of units that were right in this area here, guys, right along Station Road and they were within, I mean they were right there in your face on Station Road.

MS. KEAN: That's correct.

MR. ARGENIO: And I think again I'm going from memory but what we had recommended to I want to say it was your dad, maybe it wasn't, I thought it was your dad that it would probably be a better package if you could take those units and take them out of sight because you just don't need to be in everybody's face and Mr. Shaw or you Mr. Torro, somebody figured out a way to do that and this area now looks to me to be undisturbed.

MR. TORRO: Correct.

MR. ARGENIO: I think that's an important component of this package and again I'm a neighbor and Neil's a neighbor and it's nice that they're somewhere else and not right on the street so I've spoken enough. Mark, Dominic, anything else we need to do with this?

MR. CORDISCO: Apart from referring it to the county and potentially scheduling a public hearing and confirming that the waste water improvements are going to handle all of phase one I don't think there's anything else to do at this point.

MR. EDSALL: I'll take care of the Department of Planning, I would suggest the board authorize the public hearing to be set by Nicole.

MR. ARGENIO: Accept a motion we authorize that.

MR. GALLAGHER: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Please not tonight, there will be a night where you folks will have the chance to speak, it's very unusual to, it's actually against the law for the board to accept comments outside of a public hearing but it is what it is.

MR. CORDISCO: I wouldn't say against the law.

MR. ARGENIO: Well, what is it?

MR. CORDISCO: It's not the board's customary practice.

MR. ARGENIO: I stand corrected.

MR. TORRO: At what point will the date be set?

MR. ARGENIO: You'll get ahold of Nicole and she'll get the list from Todd and you guys will work it out and we'll get it set up. I don't see any reason why we can't get dates on the plan, we'll get the plan out to the county, Larry, I don't see any reason why we can't do that. And, I mean, my opinion I think the biggest stumbling block is the odor. You guys have that figured out I think you're okay.

MR. TORRO: Thank you.

MR. ARGENIO: Thank you Mrs. Kean, thank you Mr. Torro for coming in.

MR. TORRO: Nicole, if you need any additional plans let me know for submission to the county.

MRS. PELESHUCK: Okay, thank you.

TOWN OF NEW WINDSOR/US ARMY RESERVE MINOR SUBDIVISION  
(11-15)

MR. ARGENIO: Last item is New Windsor U.S. Army Reserve minor subdivision at Stewart International Airport on Brooks Street. Somebody, Mark, is this yours?

MR. EDSALL: I'm here tonight representing us, the Town of New Windsor, Town Supervisor asked that I convey an application, actually shouldn't say application, a plan before you involving the lands at Stewart Airport.

MR. ARGENIO: Tell me where we are.

MR. EDSALL: It's up near Brooks Street and on the large map what I have done I have given you a small copy highlighting what we're talking about. This survey map includes multiple parcels that are either Town of New Windsor parcels or proposed to be Town of New Windsor parcels and parcels owned by the U.S. Army.

MR. ARGENIO: I don't know where this is.

MR. GALLAGHER: Right before the airport, take a left at the light.

MR. EDSALL: What's the quickest way to get here?Her.

SUPERVISOR GREEN: By the salt barn, it's the property across the street from the salt barn, then if you go before the salt barn, make a left, go up to the next street, make a left, it's the old Army Reserve.

MR. ARGENIO: Got it. You guys know where that is? If you go all the way to the end on Brunning Road, don't turn into the terminal, go all the way to the end, make a left, there's a little side road, salt barn's over there, make a left, yes, George, is that correct?

SUPERVISOR GREEN: Yes.

MR. EDSALL: The tone in the comments sheet I sent out the town acquired Brooks Street, a portion of a perimeter road, lot two of parcel one which is what we're going to talk about tonight, portion of Reed Street and what's known as parcel two. All those elements are shown on this overall survey plan. The highlighted piece shows you what is known as lot two or

I'm sorry parcel one, parcel one is being split into two pieces, a portion of the left side of what I have highlighted is going to be conveyed to the Town of New Windsor and the right side is going to be retained by the U.S. Army Reserve.

MR. ARGENIO: Who owns the land right now?

MR. EDSALL: U.S. Army Reserve. The left half is being conveyed to the Town of New Windsor because that technically is a subdivision and the most expeditious way of getting the map filed and getting the deeds conveyed is to have it processed in a normal fashion which would be to have the planning board process it and send it to the county and do the deeds, the town supervisor has asked that it go before this board so you can process it and then we can send it on to the county.

MR. ARGENIO: What happened here they gave us a property?

MR. GREEN: Part of the closure and realignment the town board was the agency that oversaw the entire process.

MR. ARGENIO: Is this the process you describe, Mr. Supervisor, is that the process that Mr. Crotty was involved in many years ago?

SUPERVISOR GREEN: No.

MR. ARGENIO: This is different and subsequent to that?

SUPERVISOR GREEN: This is entirely different.

MR. VAN LEEUWEN: New item.

MR. GALLAGHER: Empty and abandoned buildings that are on the lot?

SUPERVISOR GREEN: No.

MR. GALLAGHER: Are they occupied?

MR. EDSALL: Obviously because it's two governmental agencies it's not an issue for zoning compliance for setbacks and areas, it's purely a processing of a, splitting of the lots between two governmental agencies.



SUPERVISOR GREEN: Dan asked the question, the old motor pool on the left-hand side going towards Old Perimeter Road that's one building, there's four buildings involved in the subdivided parcel, two along Brooks Street and one on Perimeter Road or two or Perimeter Road.

MR. EDSALL: And they're shown on the survey.

MR. ARGENIO: What do you need, Mark?

MR. EDSALL: I would ask counsel on the issue of you can do an uncoordinated SEQRA review just to go through the process.

MR. CORDISCO: That's correct. Motion for lead agency for an uncoordinated review.

MR. ARGENIO: I'll accept a motion that we declare ourselves lead agency.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: An uncoordinated review. Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. EDSALL: Being that this is a minor subdivision with no development proposed at this time, and--

MR. ARGENIO: Basically cutting a lot in half.

MR. EDSALL: Exactly.

MR. ARGENIO: Two governmental agencies.

MR. EDSALL: I suggest that you waive a public hearing and consider a negative dec.

MR. ARGENIO: I'll accept a motion that we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: The public hearing has been waived.  
Accept a motion for negative dec.

MR. VAN LEEUWEN: So moved.

MR. FERGUSON: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. EDSALL: Last but not least I would suggest that  
you consider granting final subdivision approval and  
leave the issue of the fees that are due to the town  
board.

MR. CORDISCO: Well, I think it should be conditional,  
you never know, you have to make sure that your  
consultants get paid.

MR. EDSALL: To the fees being established by the town  
board.

SUPERVISOR GREEN: I'll establish them tomorrow.

MR. ARGENIO: What's the next thing, Mark or counsel  
from a procedural point of view, can we proceed to  
final approval?

MR. CORDISCO: Yes, you may.

MR. ARGENIO: Accept a motion to that effect.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Supervisor, for your help with that.

SUPERVISOR GREEN: Thank you.

MR. ARGENIO: Motion to adjourn?

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. BROWN	AYE
MR. FERGUSON	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer